

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO.9732 of 2005

Between:

- 1 K. Seethamma W/o. Sitaramappa
Govt. of S.C. Hostel, Bodhan, Nizamabad District (Retd.,)
- 2 Sriramulu S/o.Balakistaiah
Govt. of Orphanised for Boys, Nizamabad District

.... PETITIONERS

AND

- 1 The District Collector (SW)
Nizamabad
- 2 The Commissioner for Social Welfare,
Andhra Pradesh Hyderabad
- 3 The District Treasury Officer,
Nizamabad
- 4 Govt. of A.P., Rep. by its Secretary, Social Welfare Dept.,
Secretariat, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Certiorari calling for the records to the order of the Admn., Tribunal in O.A.NO.5511 of 1992, dt.3-3-1994 and the order in Rev.M.A.No.4064 of 2003 in O.A.No.5511/1992, dt.22-3-2005 read with Proc.Rc.No.A/1285/88-2, dt.17-8-1992 issued by District Collector (SW) Nizamabad and struck down the same as illegal, arbitrary, unjust and violative of Articles 14,16 and 21 of the Constitution and hold that the petitioners are entitled to draw the pension and other retirement benefits on the basis of earlier pay fixation of

pay in the selection grade scale of pay of 200-10-240 with all consequential benefits the Proc.Rc.No.A/1285//88-2, dt.17-8-1992 issued by the district collector (SW) Nizamabad.

Counsel for the Petitioners: MR.D.LINGA RAO

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court, at the admission stage, made the following:

—

—

—

—

—

—

—

—

—

—

1

—

1

1

ORAL ORDER:- (PER GB, J)

The writ petition is filed against the orders, dated 03.03.1994 and 22.03.2005, passed by the A.P. Administrative Tribunal, Hyderabad, in OA No.5511 of 1992 and Review M.A.No.4064 of 2003 in O.A.No.5511 of 1992 respectively.

2. The principal grievance of the petitioners is that similar identical matters were allowed by the Tribunal in O.A.No.5230 of 1992, dated 04.02.1993, whereas in case of the petitioners it was dismissed following the order passed in the unconnected O.As. Therefore, the learned counsel for the petitioners submits that the Tribunal has completely misdirected itself in dismissing the application when similarly situate persons were granted the relief. The learned counsel also submits that by letter, dated 07.03.1992, the selection granted in respect of six persons was sought to be recovered and that came to be challenged by some persons in O.A.No.5230 of 1992 which was allowed, and the subsequent O.A.No.5510 of 1992 filed by D.Vidyasagar and M. Venkateshwar Rao was also allowed on the same point.

3. Under those circumstances, we find that the Tribunal ought to have allowed the case of the petitioners also on par with the petitioners in O.A.No.5230 of 1992.

3. Accordingly, we set aside the order of the Tribunal and allow the Writ Petition by quashing the order in letter, dated 07.03.1992.

G. BIKSHAPATHY, J

P.S. NARAYANA, J

Date: 28.04.2005

ES/NSR

To

- 1 The District Collector (SW), Nizamabad.
 - 2 The Commissioner for Social Welfare, A.P., Hyderabad.
 - 3 The District Treasury Officer, Nizamabad
 - 4 The Secretary, Government of A.P., Social Welfare Dept.,
Secretariat, Hyderabad
- 5 2 CCs to the GP for Social Welfare, High Court buildings, Hyderabad (OUT)

6 2 CD copies

7 1 CC to MR.LINGA RAO